

### **REMARKS**

This is in response to the Office Action mailed on August 16, 2004, and the references cited therewith.

Claims 1-7 and 17 are amended; as a result, claims 1-20 are now pending in this application.

#### **§101 Rejection of the Claims**

Claims 1-12 and 17-20 were rejected under 35 USC § 101 as failing to meet the utility requirement for being directed to non-statutory subject matter. Claims 1-7 and claim 17 have been amended to clarify the invention recited within these claims. Specifically, claims 1-6 recite a computer-based system that provides a “network-based marketplace.” While the Applicant respectfully maintains that a network-based marketplace is well understood to refer to a computer-based system that includes a communications network to provide an electronic marketplace for sale of goods and services, the Applicant has amended claims 1-6 to explicitly claim a system that provides such a network-based electronic marketplace. As such, claims 1-6 claim statutory subject matter and withdrawal of this rejection is respectfully requested.

Claims 7-12 recite a computer readable medium containing a database storing data in a plurality of database tables. Applicant has amended independent claim 7 to expressly recite a database containing database tables that are read by a computing system in which data values are stored within the tables based upon various attributes. The Applicant respectfully maintains that the claim as amended recites a computer readable database that produces a useful, concrete and tangible result when read and manipulated by a computing system recited in the claim. As such, claim 7 claims statutory subject matter and withdrawal of this rejection is respectfully requested. Dependent claims 8-12 also claim statutory subject matter for the same reason.

Claims 17-20 recite a method for storing and manipulating data within a database. Applicant has amended independent claim 17 to expressly recite that the tables used therein are database tables and thus are not a process that “could be performed using paper and pencil.” Applicant maintains that the claim, as originally recited contemplated use of a computing system

and related database. The claim, as amended, makes this an express limitation. As such, claims 17-20 claim statutory subject matter and withdrawal of this rejection is respectfully requested.

*§112 Rejection of the Claims*

Claims 1-12 and 17-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner rejected claims 1-6 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention as he asserted that “it is not clear what applicant meant by ‘a network-based marketplace.’” As noted above, Applicant has amended claims 1-6 to recite a system for providing a network-based marketplace.” As such, withdrawal of the rejection is respectfully requested.

The Examiner rejected claims 17-20 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention as he asserted that “it is not clear what claim 17-20 accomplish.” Applicant maintains that the claims, as now amended, store and manipulate data within a database in which data values are stored within the tables based upon various attributes. The claims, as amended, respectfully distinctly claim the subject matter which the Applicant regards as the invention. As such, withdrawal of the rejection is respectfully requested.

*Allowable Subject Matter*

Claims 13-16 were allowed.



**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-371-2144 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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16 Dec 2004

By

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of December, 2004.

CANDIS BUENDING

Name

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Signature